THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.21796 of 2004

Dated:04.08.2006

Between:
M/s.Sri Satya Sai Fertilizers.

..... PETITIONER

AND

The Joint Collector, Prakasam District, Ongole, and others.

....RESPONDENTS

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.21796 of 2004

ORDER:

This Writ Petition is filed seeking a mandamus declaring the action of the respondents in seizing 60 metric tonnes of Urea belonging to the petitioner and its disposal by sale to the ryots as per the orders of the first respondent in his proceedings No.Rc.CS1/6A/34/2004, dated 23.11.2004, as arbitrary and illegal.

The petitioner, M/s.Sri Satya Sai Fertilizers, Swarna, Karamchedu Mandal, Prakasam District, is represented by its Managing Partner. It is carrying on the business in storing and selling of fertilizers for the last twenty four years under valid licences issued by the competent authorities. Further, its licence is valid up to 05.08.2007. While so, in the month of October 2004, the petitioner purchased 84.350 metric tonnes of fertilizers of Urea from different Companies and stored in his godown at Swarna. Since its godown was not sufficient for storing the entire stock, it had obtained premises bearing No.9-79 and 1-11(1)

belonging to one Katika Sri Ram Murthy and Sura Venkateswarlu of Swarna Village, and stored in the said premises 60 metric tonnes of Urea purchased by it. While so, on 01.11.2004, the second respondent/Agricultural Officer & Fertilizers Inspector, Karamchedu, Prakasam District, along with the Assistant Director of Agriculture, Ongole, inspected the premises at 5.00 P.M. The petitioner produced the licence as well as the registers. However, the respondents took an objection for storing 60 metric tonnes of Urea in different premises, though the petitioner has paid Rs.50/- under a challan for the said purpose and intimated the same to the authorities concerned. The respondents seized the stocks and initiated 6-A proceedings. During the pendency of the 6-A proceedings, the authorities are proposing to sell the fertilizers, aggrieved by which, this Writ Petition is filed.

While admitting the Writ Petition on 06.12.2004, an interim order was passed by this Court in W.P.M.P.No.28573 of 2004 directing the respondents to release the seized stocks, on the petitioner furnishing a bank guarantee for a sum of Rs.50,000/-.

Learned Government Pleader appearing for the respondents states that the petitioner has deposited Rs.50,000/- (Rupees Fifty Thousand only) as directed by this Court.

In view of the above, there is no necessity of going into other details. The cause in the Writ Petition, as of now, does not survive. The respondents are at liberty to proceed with the 6-A proceedings launched against the petitioner and pass appropriate orders as per law, if not already passed.

The Writ Petition is accordingly, disposed of. No costs.

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(C.V.RAMULU, J)

Dated:04.08.2006.
vs